



MEMO ENDORSED

MURIEL GOODE-TRUFANT
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November 1, 2024

BY ECF

Honorable Barbara Moses
Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Simone Samuels v. City of New York.
Index No.: 22-CV-01904
LM: 2022-019961

Dear Magistrate Judge Moses:

I am an Assistant Corporation Counsel in the Office of Muriel Goode-Trufant, Acting Corporation counsel of the City of New York, attorney for Defendant City of New York ("City"), in the above-referenced action. In accordance with the Court's October 22, 2024, Order (ECF Dkt. No. 68), the parties write jointly to update the Court on their outstanding discovery dispute regarding electronically stored information ("ESI") collection. The parties successfully resolved their dispute regarding ESI custodians, date ranges, and search terms.

The parties held a telephonic meet and confer on October 31, 2024, at 2:30 p.m.,. The parties met for approximately one hour. Karel Jaros, the Law Department's E-Discovery Assistant Corporation Counsel, joined counsel for the telephonic meet and confer. At the meet and confer, the parties discussed Plaintiff's proposed custodians and date ranges for ESI. The parties agreed to the following custodians, date ranges, and search terms:¹

1. Rohan Robinson, January 1, 2020 – December 31, 2023, search terms 1-17;
2. Keith Howard, March 1, 2017 – December 31, 2019, search terms 3-5, 16-17;
3. Benjamin Graham, January 1, 2022 – December 31, 2023, search terms 1-17;
4. Shaun Scott, January 1, 2018 – January 1, 2022, search terms 1-17;
5. Simone Samuels, March 1, 2017 – December 31, 2019, search terms 3-5, 8-15;
6. William Butler, January 1, 2018 – December 31, 2020, search terms 1-17; and

¹ Plaintiff's requested ESI search terms are listed in ECF Dkt. No. 63-5.

7. Erica Carraway, January 1, 2020 – March 31, 2022, search terms 1-17.

Defendant cautioned that the search parameters for Keith Howard, Shaun Scott, and William Butler, might be too broad and return too much ESI to review. Plaintiff agreed to revisit the ESI parameters for these three individuals if, after an initial review, Defendant discovers that the current ESI parameters are too burdensome. Defendant agreed to produce any ESI in text searchable pdf format.

The parties also discussed the status of fact discovery, which is currently scheduled to close at the end of November 2024. The parties believe that a three month extension of discovery is warranted. This would make February 28, 2025, the new fact discovery deadline. A three month extension is needed because Defendant anticipates that it will take approximately one month to collect ESI and then one month for the undersigned to review the ESI and prepare it for production. This would then permit two months for any further depositions and post-deposition discovery demands.

As for depositions, Plaintiff's deposition is scheduled to take place on November 25, 2024, by virtual means. Defendant also informed Plaintiff that it intends to request supplemental ESI from Plaintiff. Plaintiff requested that Defendant follow up in writing and Defendant agreed to do so.

Respectfully submitted,

/s/ Elisheva L. Rosen

Elisheva L. Rosen

Assistant Corporation Counsel

CC:

Honorable John G. Koeltl (by ECF)
United States District Judge

Masai I. Lord (by ECF)
Attorney for Plaintiff

Application GRANTED. The deadline to complete all fact discovery, including fact depositions, is EXTENDED to **February 28, 2025**. Given the length of this extension, **no further extensions will be granted**. No later than **January 15, 2025**, the parties shall file a joint status letter outlining the progress of discovery to date, stating whether they intend to pursue expert discovery, and describing any settlement efforts.

In light of the parties' representation that they have resolved their pending disputes, the conference previously scheduled for November 7, 2024, is hereby CANCELLED. The Clerk of Court is directed to close the motions at Dkts. 62 at 69. **SO ORDERED.**



Barbara Moses
United States Magistrate Judge
November 4, 2024